

REMARKS

Responsive to the Office Action mailed August 6, 2008, Applicants provide the following. Claims 14, 18, 21, 23, 56, 59 and 60 have been amended. Claims 13, 55, 66 and 70 have been canceled while claims 1-12, 16 and 26-52 were previously canceled. Claim 69 has been withdrawn as being directed to a non-elected species, yet depends from a generic base claim 56. Therefore, Twenty-seven (27) claims are pending in the application: Claims 14-15, 17-25 and 53-54, 56-65, 67-69 and 71.

Initially, Applicants acknowledge with appreciation that claim 71 is allowed, and further acknowledge with appreciation the Examiner's indication that claims 56-58 and 60-64 would be allowable if rewritten in independent form.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Specification

1. The specification is objected to because of amendments to Claim 66 submitted on October 12, 2007. Applicants respectfully traverse this objection. The application as filed provides support for the prior amendment to claim 66. Applicants demonstrated in that response that there was support in the application as filed, for example see at least with respect to FIGS. 32-36 and the corresponding descriptions thereof, including at least on page 49, line 8 – page 52, line 17 of the application as filed. Applicants, however, have canceled claim 66 in order to pursue the timely issuance of the allowable subject matter. Although this claim is canceled herein, Applicants are not conceding in this application that this claim is not supported or not patentable over the cited references. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or

by any prior prosecution. Specifically, Applicants reserve the right to pursue the subject matter of at least canceled claim 66, as well as other subject matter within the application, in one or more continuing applications. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application. Therefore, Applicants respectfully submit that the objection is rendered moot.

Claim Rejections - 35 U.S.C. §112

2. Claim 66 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As demonstrated above, Applicants respectfully traverse this rejection. The application as filed provides support for the prior amendment to claim 66 at least with respect to FIGS. 32-36 and the corresponding descriptions thereof. Again, however, Applicants have canceled claim 66 in order to pursue the timely issuance of the allowable subject matter. Although this claim is canceled herein, Applicants are not conceding in this application that this claim is not supported or not patentable over the cited references. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Therefore, Applicants respectfully submit that the rejection is rendered moot.

Claim Rejections - 35 U.S.C. §103

3. Claims 13-15, 18-19, 21, 23, 24, 59, 65, 67 and 68 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 3,650,213 (Abbott et al.) in view of U.S. Patent No. 3,053,185 (Oberfell et al.). Applicants respectfully traverse these rejections.

Claim 13 has been canceled in order to pursue the timely issuance of the allowable subject matter. Although claim 13 is canceled herein, Applicants are not conceding in this application that this claim is not patentable over the cited references. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that

capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Specifically, Applicants reserve the right to pursue the subject matter of canceled claim 13, as well as other subject matter within the application, in one or more continuing applications. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Further, claims 14, 18, 21, 23 and 59 have been amended to depend from allowable claim 56.

Therefore, Applicants respectfully submit that the rejections are rendered moot.

4. Claims 20 and 25 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Abbott and Oberfell in view of U.S. Patent No. 5,821,450 (Fedida). Applicants respectfully traverse these rejections. Again, however, claim 20 depends from claim 18 and claim 25 depends from claim 23, and both claims 18 and 23 have been amended to depend from allowable claim 56. Therefore, Applicants respectfully submit that the rejections are rendered moot.

5. Claims 17 and 22 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Abbott and Oberfell in view of U.S. Patent No. 3,865,038 (Barr). Applicants respectfully traverse these rejections. Again, however, claim 17 depends from claim 14 and claim 22 depends from claim 21, and both claims 14 and 21 have been amended to depend from allowable claim 56. Therefore, Applicants respectfully submit that the rejections are rendered moot.

6. Claims 53 and 54 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Abbott and Oberfell in view of U.S. Patent No. 4,589,342 (Rousseau). Applicants respectfully traverse these rejections. Again, however, claims 53-54 depend from claim 14, and claim 14 has been amended to depend from allowable claim 56. Therefore, Applicants respectfully submit that the rejections are rendered moot.

7. Claims 55 and 70 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Abbott and Oberfell in view of U.S. Patent No. D348,907 (Prentice et al.). Applicants respectfully traverse these rejections.

Claim 55 as well as claim 13 have been canceled and the limitations found therein have been amended into independent claim 56 in order to pursue the timely issuance of the allowable subject matter. Applicants submit the cancellation of claims 13 and 55 should not be viewed as the surrender of the subject matter of claims 13 and 55 or as a surrender of broader subject matter than any of the presently identified allowable claims.

Claim 70 has been cancelled in order to pursue the timely issuance of the allowable subject matter. As stated above, Applicants submit the cancellation of claim 70 should not be viewed as the surrender of the subject matter of claim 70 or as a surrender of broader subject matter than any of the presently identified allowable claims.

Allowable Subject Matter

8a. Claim 71 is allowed.

8b. Claims 56-58 and 60-64 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants have amended claims 56 and 60 to be in independent form incorporating all of the limitations of the base claims and any intervening claims. Therefore, Applicants respectfully submit that claims 56-58 and 60-64 are also allowable.

Further, Applicants have amended claims 14, 18, 21, 23 and 59 to depend from amended claim 56. Therefore, Applicants respectfully submit that claims 14-15, 17-25, 53-54 and 57-59, and claims 61-65 and 67-69 are also patentable due to their dependency on allowable claims 56 and 60, respectively.

No Fees Believed Due

9. Applicants submit that there are three independent claims 56, 60 and 71, and Applicants previously paid for the examination of over Twenty-seven (27) claims. Therefore, Applicants believe that no fees are due.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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